

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CRISTEN LOVE, PATRICIA IMANI,  
STEPHANIE SNYDER,

Plaintiffs,

v.

CITY OF OLYMPIA, et al,

Defendants.

Case No.CV09-5531RBL

ORDER DENYING MOTION TO  
STRIKE EXPERT WITNESS

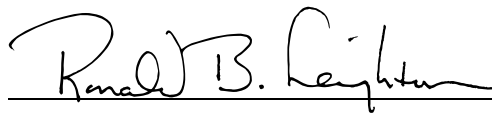
THIS MATTER comes before the Court on Defendants' Motion to Strike Expert Witness, George Earl Sullivan, [Dkt. #52], due to tardy delivery of the expert report required by rule. According to this Court's Scheduling Order, the cut-off date for disclosing expert witnesses was October 27, 2010. Defendants filed this motion to strike on November 4, 2010. On November 16, 2010, plaintiffs filed a motion for extension of briefing schedule on Defendants' Motion to Strike [Dkt. #54]. The Expert Report of George Earl Sullivan [Dkt. #59] was not filed until December 8, 2010, more than a month late.

The trial date in this matter is April 26, 2011. Despite the random and cavalier approach plaintiffs take to compliance with the Federal Rules of Civil Procedure and the Local Rules of this Court, the Motion

1 to Strike an Expert Witness is **DENIED**. No prejudice is suffered by defendants. They have adequate time  
2 to obtain and evaluate the testimony of Mr. Sullivan and to retain their own expert to refute Sullivan's  
3 testimony. Indeed, the opinion of Sullivan is directly related to that issue which has been at the center of this  
4 case from its inception: cuffing and searching the plaintiffs following their arrest. Sullivan's opinion cannot  
5 be a surprise to the defendants.  
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7 Nothing in this Order affects any party's right to seek a motion in limine limiting the testimony of  
8 Sullivan or any other expert.

9 Dated this 6<sup>th</sup> day of January, 2011.  
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13 RONALD B. LEIGHTON  
14 UNITED STATES DISTRICT JUDGE  
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